

## RESOLUTION OF THE TOWNSHIP OF WASHINGTON

*Morris County, New Jersey*

No. R-174-08

Date of Adoption: December 15, 2008

**Title or Subject: RESOLUTION OF INTENT PURSUANT TO EXECUTIVE ORDER 114 AND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE HIGHLANDS COUNCIL AND THE COUNCIL ON AFFORDABLE HOUSING**

**WHEREAS**, on September 5, 2008, Governor Corzine signed Executive Order 114 which requires the Council on Affordable Housing (COAH) and the New Jersey Highlands Council (Highlands Council) to enter into a Memorandum of Understanding (MOU) designed to coordinate the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and

**WHEREAS**, COAH and the Highlands Council have prepared such an MOU, which was adopted by COAH on October 29, 2008 and by the Highlands Council on October 30, 2008; and

**WHEREAS**, conformance with the Highlands Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

**WHEREAS**, COAH regulations establish a December 31, 2008 deadline for municipalities currently under the jurisdiction of COAH to submit third round petitions for substantive certification of a municipal housing element and fair share plan; and

**WHEREAS**, the MOU establishes a procedure that municipalities under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may follow to seek an extension to the December 31, 2008 deadline set by COAH for the submission of third round petitions for substantive certification of a municipal housing element and fair share plan; and

**WHEREAS**, the MOU provides for an extension of the December 31, 2008 deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008: 1) submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

**WHEREAS**, it appears that the MOU provides that a municipality under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may only avail itself of revised growth projections to be issued from the Highlands Council if, before December 31, 2008, it: 1) submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

**WHEREAS**, the Township of Washington, County of Morris, received third round substantive certification from COAH on January 10, 2007 under COAH rules and regulations set forth at NJAC 5:94 and 5:95; and

**WHEREAS**, the Township can benefit from the coordination of COAH and the Highlands Council regarding regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and



Resolution #R-174-08  
December 15, 2008  
Page Two

Post-it® Fax Note	7671	Date	12/17	# of pages	2
To	Paula	From	Debbie Buro		
Co./Dept.	Highlands	Co.	WT Morris Co		
Phone #	908-879-6737	Phone #			
Fax #	908-879-4205	Fax #			

**WHEREAS**, it is uncertain whether the Township of Washington could avail itself of the revised growth projections to be issued by the Highlands Council without the adoption of a resolution advising COAH that the Township is investigating whether to apply for amended third round substantive certification under the revised third round rules and regulations set forth at NJAC 5:96 and 5:97; and

**WHEREAS**, on November 17, 2008 the Township Committee of the Township of Washington, County of Morris, adopted a resolution notifying the Highlands Council that the Township of Washington has set December 8, 2009 as the target date for submission of a Petition for Plan Conformance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Washington, County of Morris, State of New Jersey, hereby agrees that it is investigating whether to apply for amended third round substantive certification under the revised third round rules and regulations set forth at NJAC 5:96 and 5:97 by December 8, 2009; and

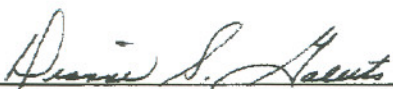
**BE IT FURTHER RESOLVED** that the Township Committee of the Township of Washington, County of Morris, hereby directs the Township Clerk to immediately transmit a signed and sealed copy of this resolution to COAH; and

**BE IT FURTHER RESOLVED** that the Township Committee of the Township of Washington, County of Morris, hereby directs the Township Clerk to immediately transmit a signed and sealed copy of the November 17, 2008 duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines to COAH; and

**BE IT FURTHER RESOLVED** that the governing body of the Township of Washington, County of Morris intends to and hereby reserves it rights to investigate and determine whether to submit a petition for amended substantive certification of a third round Housing Element and Fair Share Plan to COAH under the revised rules set forth at NJAC 5:96 and 5:97 and, if it so determines, will submit a petition to COAH not later than December 8, 2009.

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WASHINGTON



Dianne S. Gallets, Township Clerk



Tracy Tobin, Mayor

*I, Dianne S. Gallets, Township Clerk, do hereby certify that the foregoing resolution was adopted at a meeting of the Township Committee, held on December 15, 2008.*

Dianne S. Gallets, Township Clerk

Date